

UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK

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Uniformed Fire Officers Association; Uniformed
Firefighters Association of Greater New York; Correction
Officers' Benevolent Association of the City of New York,
Inc.; Police Benevolent Association of the City of New
York, Inc.; Sergeants Benevolent Association; Lieutenants
Benevolent Association; Captains Endowment Association;
and Detectives' Endowment Association,

Petitions/Plaintiffs,

-against-

Bill de Blasio, in his official capacity as Mayor of the
City of New York; the City of New York; Fire
Department of the City of New York; Daniel A. Nigro,
in his official capacity as the Commissioner of the Fire
Department of the City of New York; New York City
Department of Correction; Cynthia Brann, in her
official capacity as the Commissioner of the New York
City Department of Correction; Dermot F. Shea, in his
official capacity as the Commissioner of the New York
City Police Department; the New York City Police
Department; Frederick Davie, in his official capacity as
the Chair of the Civilian Complaint Review Board; and
the Civilian Complaint Review Board,

Respondents/Defendants.

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**DEFENDANTS' NOTICE OF
MOTION TO DISMISS THE
FIRST AMENDED
COMPLAINT**

20 Civ. 05441 (KPF)

PLEASE TAKE NOTICE, that upon Defendants' Statement Pursuant To Rule 7.1(a) of the Local Civil Rules of the Southern District of New York, dated September 4, 2020, the Declaration of Kami Z. Barker, dated August 14, 2020, and the exhibits annexed thereto, Defendants' Memorandum of Law In Support Of Their Motion To Dismiss, dated September 16, 2020, and all prior papers and proceedings had herein, defendants will move this Court, before the Honorable Katherine Polk Failla, United States District Judge, Southern District of New York, at the Courthouse thereof, 500 Pearl Street, New York, New York, on a date and time to be set by

the Court, for an order, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, dismissing the complaint in its entirety on the grounds that plaintiffs failed to state a claim or exhaust contractual remedies, entering judgment for defendants, and granting defendants costs, fees, and disbursements together with such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that, pursuant to the order of the Court, dated October 5, 2020, any papers in opposition to defendants' motion to dismiss, if any, are to be served by November 6, 2020, and any reply is to be served by November 20, 2020.

Dated: New York, New York
October 16, 2020

Respectfully Submitted,

JAMES E. JOHNSON
Corporation Counsel of the
City of New York
Attorney for the Defendants
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By: /s/
Kami Z. Barker
Assistant Corporation Counsel

To: **DLA PIPER LLP (US)**
Attorney for Plaintiffs
(By ECF)

Orrick, Herrington & Sutcliffe LLP
Attorneys for Defendant-Intervenor
Communities United for Police Reform ("CPR")
(By ECF)